

Minutes
Bar Harbor Planning Board
June 3, 2009
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:04 p.m.

Members Present: Kay Stevens-Rosa, Kevin Cochary, Lynne Williams, Dave Bowden, Buck Jardine. Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner

II. EXCUSED ABSENCES

None.

III. ADOPTION OF THE AGENDA

Ms. Williams moved to adopt the agenda. Mr. Jardine seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Minutes from the last meeting were not yet available. Minutes will be available for approval at the next Planning Board meeting.

V. REGULAR BUSINESS

A. Presentation from College of the Atlantic on Wind Power project

College of the Atlantic students gave a presentation to the Board on wind power. The presentation discussed various benefits and disadvantages associated the renewable energy source. Most particularly, the presentation focused around developing wind resources within the Town of Bar Harbor. Students suggested that the height restriction listed in the proposed ordinance be amended to allow turbines of greater height. Students noted that turbines of greater height are able to capture wind resources more effectively, and are thus more efficient.

B. Continuation of a Completeness Review – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Moore requested that the record show that lot 150 should be included in the list.

Mr. Cochary asked for clarification regarding setbacks within the zoning district where project is proposed.

Mr. Moore noted that storm water, water, and sewer calculations will be amended as the project is modified. Mr. Moore submitted a memo outlining solid waste calculations the project may produce.

Ms. Stevens-Rosa asked if there were any further questions regarding completeness of the application.

Mr. Cochary moved to grant completeness with the understanding that storm water, water, and sewer calculations will be ongoing, and that no final decision will be made until final numbers for flows have been submitted and approved as complete by appropriate Town staff. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion. The project was scheduled for Public Hearing on June 17, 2009.

C. Continuation of a Completeness Review – SP-09-04 – Jackson Lab

Project Location: Schooner Head Road, Bar Harbor Tax Map 253 Lot 03

Applicant: The Jackson Laboratory

Application: New building approximately 20,000 SF

The Applicant noted that a traffic study for impacts to Schooner Head Road had been submitted, with a letter clarifying traffic issues. The Board discussed traffic concerns.

Mr. Bowden moved to find the application complete. Ms. Williams seconded the motion. The Board discussed capacity statements from Town Department heads. Wastewater still needs to sign off on final calculations. The Board voted unanimously to approve the motion.

D. Zoning Map Amendment Request

Jordan-Fernald Funeral Homes

Project Location: Eden Street, Map 103 Lot 52

Applicant: Jordan-Fernald Funeral Homes

Application: Request zoning map amendment

Mr. Moore requested the project be tabled for hearing until June 17th hearing.

Ms. Stevens-Rosa recused herself from the vote as she represents the interests of an abutting landowner. Mr. Jardine moved to recuse Mr. Stevens. Mr. Bowden seconded the motion. The Board voted unanimously to approve the motion.

Ms. Stevens-Rosa left the chambers and Mr. Cochary assumed the chair.

Mr. Jardine asked for clarification regarding the motion to table the project

Mr. Moore discussed his clients reasons for the motion.

Ms. Williams suggested the project be rescheduled to a later date to allow time to prepare adequately. Mr. Moore and the Board debated the issue.

Mr. Bowden expressed that in order for the project to meet the November ballot, the project must be voted on by the Board by the end of this month.

Mr. Jardine expressed concern for those members of the public who were present at the meeting and had taken time to be present at the meeting. Mr. Cochary then allowed members of the public to comment on the request for continuation of the project until the June 17th meeting.

Jim Blanchard an abutter of the project stated that the project had been delayed four times already. Mr. Blanchard then asked that the project be delayed indefinitely to allow the economic development committee to review the merits of the project.

James Collier seconded Mr. Blanchard's comments, and added that his first priority would be to delay the project indefinitely. If that is not allowed, Mr. Collier suggested the project be delayed for a month to six weeks.

Other neighboring residents expressed they would like additional time to review the proposal.

Ms. Betsy Mills expressed that she would not be able to attend the meeting on June 17th. Ms. Mills stated that she had attended all meetings in the past and would like the next hearing to be moved until July.

The Board debated the merits of extending the project hearing.

Mr. Moore stated that his client would like to be heard on the 17th so that the project will be heard for the November ballot.

Mr. Collier restated that taking additional time for the neighborhood to review the project would benefit the local residents.

Mr. Moore re-stated that it is his wish to make every effort possible to have the project on the November ballot.

Mr. Bowden made a motion to continue the hearing for the project to June 17th. The motion was seconded by Mr. Cochary. Mr. Cochary clarified the hearing process regarding the proposal to amend the zoning ordinance. Mr. Cochary also stated that it's unlikely the project will move forward to the November ballot due to the complexities and opposition associated with the project. Mr. Cochary then invited additional discussion.

Mr. Cochary called the question for a vote. The motion failed. Mr. Jardine moved to reschedule the hearing until July 1st. Ms. Williams seconded the motion and the Board further discussed the issue.

Mr. Moore stated that due to personal reasons he would like the project rescheduled until July 15th.

Mr. Jardine withdrew his original motion and moved that the project be heard on July 15. Ms. Williams seconded the motion. The Board voted unanimously to approve the motion.

Mr. Collier stated that he would like a copy of the proposed project from the applicant.

VI. OTHER BUSINESS

A. Request for the Extension of time for Jackson Laboratory

The request was taken out of order and addressed immediately following Jackson Laboratory motion of completeness.

Mr. Bowden moved to hear the request for extension by the Applicant.. The motion was seconded by Mr. Cochary. The Board voted unanimously to approve the motion.

Ms. Krieg asked for clarification on the length of time the extension the applicant was requesting. The applicant stated that 12 months would be adequate.

Mr. Cochary expressed concern that project not come back with another request for extension after 12 months.

Mr. Cochary moved to grant the extension for 12 months. The motion was seconded by Mr. Bowden. The Board voted unanimously to approve the motion.

B. Continuation of discussion on the Town Hill mini-plan

Ms. Krieg stated that she had added notes from the joint workshop held by the Planning Board and Town Council. She stated that 4 points emerged from the discussion:

- 1) It appears that residents want to wait on results for the vote on the moratorium. If the moratorium passes or fails this will steer the direction of the Town Hill Mini Plan. This will also speak to ordinance changes for this area
- 2) Wastewater is an issue and people would like to see this considered more elaborately. Mr. Cochary requested a feasibility study be more detailed.
- 3) Home occupation in middle range that allows enhanced home occupation on certain roads has caused concern among residents. Ms. Williams asked that staff clarify the number of home occupations that currently exist in Town.
- 4) There is no clear consensus regarding design review. Need to meet with public to determine if this should be required in Town Hill.

Funding for waste water was discussed at length.

The Board discussed merits of Design Review Board oversight in Town Hill.

C. LUO Amendments:

- Traffic Ordinance
 - Ordinance was approved by Board previously.
- Wind Ordinance
 - Board discussed amending height requirements in ordinance. Board also discussed suggestion by Council to allow guide wired turbines. Board determined guide wired turbines would be inappropriate. No action on this ordinance was required because it was taken at a previous meeting.
- Home occupation
 - Ms. Krieg commented that she removed second tier of home occupation because public did not agree with this. Mr. Bowden commented that the majority of concerns came from Indian Point. Mr. Cochary noted that the route/road numbers needed to be amended within the ordinance. The Board also proposed amending the ordinance to stipulate that “unreasonable hours” are the same as Town quiet hours which have already been established.
 - *Mr. Cochary moved to approve the ordinance with suggested amendments. Mr. Bowman seconded and the Board voted unanimously to approve the motion.*
- Other LUO Amendments
 - Ms. Krieg stated that the Economic Development Committee still working on Downtown District.

B. Possible Endorsement of Tarasov Subdivision – Tabled.

C. Possible Endorsement of Foxfields Farm Subdivision – Tabled.

VII. PLANNING DIRECTOR’S REPORT**A. Possible application for re-zoning at Best Western**

Mr. Moore suggested that the current zoning district boundary be revised to reflect the actual use of the property in question. By changing the zone, the current use of the property would be in conformance making future modifications to the property less prohibitive. Mr. Cochary articulated concern on the possible effects rezoning might have on the residential neighborhood surrounding the hotel. The Board discussed the proposal at length and agreed to hear it once a formal application had been filed.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Bowden stated that he has a previous engagement on June 17th, but will be available to attend the next meeting if needed.

IX. ADJOURNMENT

Mr. Jardine moved to adjourn and Ms. Williams seconded the motion. The Board voted unanimously to approve the motion.

Minutes prepared by Brian Madigan for Planning Board Review
June 17, 2009

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date